

Chapter 4

Private Applicator Certification

Introduction

This chapter describes DPR's Private Applicator Certification Program.

- DPR licensing and certification of commercial pesticide applicators are discussed in Volume 1, *General Information*.
 - This chapter does not address commercial pesticide applicators such as those certified by the California Department of Consumer Affairs (Structural Pest Control Board) and the California Department of Health Services (Vector-Borne Disease Section).
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About the Private Applicator Certification Program

The "Private Applicator Certification Program" was initially established in 1977 as a component of California's State Plan for Certification of Pesticide Applicators (commercial and private) who supervised or used restricted use pesticides. It resulted from amendments to FIFRA in 1972. In 1996, the Food and Agricultural Code was amended (FAC sections 14090 - 14099.5 were added to Division 6), separating the private applicator certification program from the restricted materials permitting process and establishing continuing education requirements for renewal. The program was designed to meet the U.S. EPA requirements for a private applicator certification program.

Private applicator defined

Private applicator is defined as:

- A person who uses or supervises the use of a restricted use pesticide for the purpose of producing an agricultural commodity on property owned, leased, or rented by him/her or his/her employer;
 - "Person" can be the operator of the property, the operator's authorized representative (with written authorization), or the operator's employee.
- A householder who uses or supervises the use of a restricted use pesticide outside their residence to control plant or turf pests on residential property owned, leased, or rented by the householder.

(Reference: 3 CCR section 6000)

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Private Applicator Certification, Continued

Who may apply restricted materials?

Certified applicators, both private and commercial, may use or supervise the use of pesticides that are classified “restricted use pesticides” by the U.S. EPA or designated as “restricted materials” by DPR, without additional supervision. These individuals shall only work with uses covered by their certificate. Noncertified applicators may use restricted materials provided they are adequately supervised by a certified applicator.

Supervision of uncertified applicators

Whenever a noncertified applicator handles restricted use pesticides or restricted materials, they must be adequately supervised by a certified applicator. The level of supervision required is either specified on the restricted use pesticide label or in regulation.

For the most highly toxic pesticides, the label will define direct supervision to require the certified applicator to be *physically present* when the pesticide is handled by a noncertified applicator.

Federally restricted use pesticides are clearly identified by a box at the very top of the label’s front panel that states the classification, the need for applicator certification, and the supervision requirement.

Example:

RESTRICTED USE PESTICIDE

Due to Reproductive Effects

For retail sale to and use only by certified applicators or persons under their direct supervision and only for those uses covered by the certified applicator’s certification. Direct supervision for this product is defined as the certified applicator being physically present during mixing, loading, equipment repair and equipment cleaning. Certified applicators must ensure that all persons involved in these activities under their direct supervision are informed of the precautionary statements.

- When the pesticide labeling or regulations require that the certified applicator be physically present, the certified applicator must be physically located on the application site or contiguous parcel where the pesticide-handling activity is taking place.
 - When two noncertified handlers are at the pesticide-handling site, the certified applicator must maintain either visual or two-way voice contact with the handlers.
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Supervision of uncertified applicators (continued)

- When only one noncertified handler is at the pesticide-handling site, the certified applicator must maintain the direct supervision and physically present “in-line of sight” visual standard. The certified applicator must be able to see the noncertified applicator and be assured that the applicator is safe. Voice contact alone to one noncertified handler does not meet this standard because of the possibility that a lone applicator may be unable to seek help should a medical emergency occur.

If the product label does not define the level of supervision required, then the certified applicator must comply with the supervision standards in 3 CCR section 6406, which requires the certified applicator to be aware of the conditions at the use site and be available to direct and/or control activities of the noncertified applicator. The proximity of the certified applicator to the use site shall be directly related to the actual or potential hazard of the situation.

(Reference: 3 CCR section 6406)

Obtaining the Private Applicator Certificate

A private applicator must become certified by the CAC or the Director in any county in which there is no CAC. Certification is accomplished through a written examination process designed to evaluate the knowledge and abilities of a private applicator.

Each applicant must complete the *Private Applicator Certificate Application* form (PR-PML-045) prior to taking the examination. There is no fee for taking the Private Applicator Certificate (PAC) examination, obtaining the PAC card, or renewing the PAC card (recertification).

To become certified, a private applicator must demonstrate competency to use and supervise the use of restricted use pesticides and restricted materials properly and safely, by passing the written examination with a minimum score of 70%. Private applicators that pass the examination receive a DPR PAC card issued by CAC staff.

The examination is available in both English and Spanish. The only part of the Spanish examination written in English is the pesticide label. Federal law requires all certified applicators to be able to read and understand the registered labeling. U.S. EPA currently registers only labeling written in English.

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Private Applicator Certification, Continued

What information is on the examination?

Applicants shall be examined on the requirements of statutes and regulations concerning pesticide use and pest control operations including, but not limited to, knowledge of all of the following:

- Label directions and restrictions on use;
 - Calibration;
 - Pest control equipment;
 - Pest problems and identification;
 - Worker protection, including protective clothing and equipment; and
 - Environmentally sensitive areas.
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Study guide

The study guide for the PAC examination is the publication *Pesticide Safety--A Reference Manual for Private Applicators*, Publication 3383.

This publication may be purchased from the local Cooperative Extension Office; ordering from the Division of Agriculture and Natural Resources website at: <http://anrcatalog.ucdavis.edu/>; or by writing to:

Division of Agriculture and Natural Resources
University of California
6701 San Pablo Avenue
Oakland, California 94608

Request Publication 3383.

How is the examination administered?

The PAC examination must be administered and proctored by authorized CAC staff. **It is not a take-home examination or open book examination.** The examination is confidential, therefore, it must be kept under lock and key, accounted for, and accessed only by authorized CAC staff.

CAC staff provides the applicants with the examination questions, a separate answer sheet, and scratch paper. Applicants must not write or mark on the examination. Examination aids must not be used during the examination or any notes taken to prevent cheating or collusion.

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Private Applicator Certification, Continued

How is the examination administered? (continued)

Upon completion of the examination, county staff collects all examination materials, reviews the answer sheet, and determines whether the applicant passed or failed. Applicants who pass the examination are issued a PAC card. Applicants who fail the examination must wait at least seven calendar days before they may take the examination again.

Staff may not discuss the content of specific examination questions with applicants. If the applicant has any questions concerning the examination content during or after the examination, CAC staff may only give general advice in the subject area(s) that are giving the applicant difficulty.

The law provides that under exceptional circumstances an oral examination may be given. This may only be done in cases where in the CAC's opinion, a written examination would not accurately measure the competency or understanding by the applicant. CAC staff must document all examination results, whether written and oral.

How is the Private Applicator Certificate issued?

CAC staff issues a DPR PAC card to all private applicators that pass the PAC examination. Signatures of both the private applicator and the issuing CAC authorized representative must be on the card. The PAC expiration date is specified on the card, based on the three-year renewal cycle that the applicant passing the examination falls into. (See *FAC section 14095*.)

The PAC number is issued using the following format:

- PA-two digit county code number-sequential 5 digit numbering system-- (Example: PA-00-00000).

A photocopy of the front and back of the card is kept in the CAC files, as well as the applicant's Scantron® examination answer sheet.

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Private Applicator Certification, Continued

Renewing the Private Applicator Certificate

PAC card holders have two renewal options:

1. Complete six hours of DPR-approved continuing education (CE) every three years, including at least two hours of laws and regulations*; **or**
2. Retake and pass the private applicator certification examination.

*CE is prorated for private applicators renewing for the first time.

Applicators with certificates valid for:

- Less than 12 months at the time of renewal--are exempt from the continuing education requirement.
 - 12 to 24 months at the time of renewal--must complete four hours of continuing education, including at least two hours in laws and regulations.
 - 25 to 36 months at the time of renewal--must take at least six hours of continuing education, including at least two hours of laws and regulations.
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Completing CE

A course identification number is assigned when the CE course is approved by DPR. Documented proof of CE course completion must be submitted at the same time with the PAC renewal application, *Private Applicator Certificate Application* form (PR-PML-045). All CE hours must be obtained during the period the PAC is valid.

If all renewal requirements are met, authorized CAC staff will renew the PAC for the applicant's specified valid period.

Refusing, revoking, or suspending the Private Applicator Certificate

The PAC may be refused, revoked, or suspended by the CAC or Director for any of the following:

1. Failure to comply with any applicable provision of the FAC, Division 7 (Agricultural Chemicals, Livestock, Remedies, and Commercial Feeds) or any regulations adopted pursuant thereto.
2. Failure to supervise the use of a restricted use pesticide or restricted material in a manner that ensures compliance with Division 7 or any regulations adopted pursuant thereto.
3. Making any false or fraudulent report.

Any action by the CAC or Director described above (1 - 3) may be appealed, consistent with the procedures for appealing the suspension of a restricted material permit as prescribed in FAC section 11512.5 (see Chapter 10, *Grounds for Refusal, Revocation, and Suspension*).

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**Additional
information**

Regardless of where it was issued, the PAC card is acceptable in any county when an applicant applies for a permit.

For additional information on CE and a listing of approved courses, see:
<http://www.cdpr.ca.gov/docs/license/conted.htm>
